

**MINUTES OF A REGULAR MEETING OF THE
COMMON COUNCIL OF THE CITY OF JASPER, INDIANA
SEPTEMBER 21, 2016**

A meeting of the Common Council of the City of Jasper, Indiana, was held on Wednesday, September 21, 2016, in the Council Chambers of City Hall located at 610 Main Street, Jasper, Indiana.

Call to Order. Presiding Officer Mayor Terry Seitz called the meeting to order at 7:00 p.m.

Roll Call.

Clerk-Treasurer Juanita S. Boehm called the roll.

Mayor Terry Seitz	Present
Council members:	
Gregory Schnarr	Present
John Bell	Present
David Hurst	Present
Earl Schmitt	Absent
Kevin Manley	Present
Nancy Eckerle	Present
Dean Vonderheide	Present
City Attorney Renee Kabrick	Present
Clerk-Treasurer Juanita S. Boehm	Present

Boehm announced that in order to have a quorum for the meeting, a majority of the council members must be in attendance. Six of the seven council members were in attendance which is a majority; therefore, there was a quorum for the meeting.

Pledge of Allegiance. Mayor Seitz invited all those present to join him in reciting the Pledge of Allegiance.

Welcome. Mayor Seitz welcomed numerous Forest Park high school students who were in attendance as part of their government class.

Approval of the Minutes.

The following minutes were distributed to and examined by the Council:

August 17, 2016 regular common council meeting

A motion was made by Council member Nancy Eckerle and seconded by Council member Dean Vonderheide to approve the minutes as presented. Motion carried 6-0.

PUBLIC HEARING CONCERNING TAX ABATEMENT

Mayor Seitz opened the public hearing concerning the declaratory resolution for Empire Enterprises LLC and a public hearing to consider the request from Empire

Enterprises LLC and Vine Street Lofts LLC for the council to approve a tax abatement for real property.

A notice appeared in the Herald on September 1, 2016, was posted at city hall, was faxed to the news media, and was given to the taxing units in this economic revitalization area.

Mayor Seitz asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member John Bell to close the public hearing. Motion carried 6-0 and the public hearing was closed.

**RESOLUTION NO. 2016-8 RESOLUTION OF THE COMMON COUNCIL
CONFIRMING THE DESIGNATION OF A PORTION OF THE CITY OF
JASPER AS AN ECONOMIC REVITALIZATION AREA AND
APPROVING A STATEMENT OF BENEFITS**

Empire Enterprises LLC

Vine Street Lofts LLC

This resolution confirms the declaratory resolution for Empire Enterprises LLC and approves their Form SB-1/real property and tax abatement application.

A motion was made by Council member Gregory Schnarr and seconded by Council member Nancy Eckerle to consider the resolution for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member David Hurst and seconded by Council member Kevin Manley to read the resolution by title only. Motion carried 6-0. The city attorney so read the resolution. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member David Hurst to pass and adopt Resolution No. 2016-8. Motion carried 6-0.

PUBLIC HEARING-VACATE EASEMENT

Mayor Seitz opened the public hearing concerning the petition of Whitney A. Gutsell to vacate a public utility and drainage easement on part of Lots 79 and 80 in Brookstone Estates III.

A notice appeared in the Herald on September 10, 2016, was posted at city hall and faxed to the news media.

Brad Eckerle with Brosmer Land Surveying said he was representing Whitney Gutsell who wants to vacate a public utility and drainage easement [PUDE] on part of Lots 79 and 80 in Brookstone Estates III. The vacant lots are located to the north and east of the cul-de-sac at the east end of Brookstone Court. Eckerle said the original plat of Brookstone Estates III includes a PUDE that very closely matched the 100-year floodplain at the time of the platting. This PUDE encompasses a large portion of Lots 79 and 80. The extents of the 100-year floodplain were updated in 2014 to include substantially less of Lots 79 and 80, including portions of the lots where the petitioner wants to build a house.

Eckerle also said the Utility Service Board gave a favorable recommendation regarding the vacation of this easement.

Mayor Seitz asked for comments from the public. City Attorney Renee Kabrick read the following email submitted by Dennis Merkley.

I'm sending this short e-mail to express our support of the easement vacation requested by Whitney Gutsell. I met with Phil Buehler last week and he informed me of the current and adjusted easements and flood plain plats. I understand there are two hearings this week to decide on this matter. Kitty and I do not plan to attend these meetings, but I wanted to send you this message expressing our support for granting Whitney's request. She should be allowed to build on the property she purchased, and we welcome completion of improvements to our cul de sac.

FYI, we reside at 4167 W Brookstone Ct.

Dennis R Merkley

Mayor Seitz asked if there were any other comments from the public. No other comments were received.

Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member David Hurst to close the public hearing. Motion carried 6-0 and the public hearing was closed.

ORDINANCE NO. 2016-20 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, VACATING A PUBLIC UTILITY AND DRAINAGE EASEMENT

This ordinance vacates a public utility and drainage easement on part of Lots 79 and 80 in Brookstone Estates III—Whitney Gutsell petition.

A motion was made by Council member David Hurst and seconded by Council member Dean Vonderheide to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member David Hurst and seconded by Council member Nancy Eckerle to read the ordinance by title only. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Kevin Manley and seconded by Council member Gregory Schnarr to pass and adopt Ordinance No. 2016-20. Motion carried 6-0.

PUBLIC HEARING-ADDITIONAL APPROPRIATIONS

Mayor Seitz opened the public hearing concerning proposed additional appropriations for the year 2016.

A notice appeared in the Herald on September 10, 2016, was posted at city hall and faxed to the news media.

Mayor Seitz asked for comments from the public. No comments were received.

Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Nancy Eckerle to close the public hearing. Motion carried 6-0 and the public hearing was closed.

ORDINANCE NO. 2016-17 AN ORDINANCE APPROPRIATING ADDITIONAL MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE REMAINDER OF THE YEAR ENDING DECEMBER 31, 2016

This ordinance adds and reduces appropriations for 2016 that were presented during the August 2016 budget work sessions.

A motion was made by Council member Dean Vonderheide and seconded by Council member David Hurst to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member Nancy Eckerle to read the ordinance by title only. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member David Hurst and seconded by Council member Dean Vonderheide to pass and adopt Ordinance No. 2016-17. Motion carried 6-0.

PUBLIC HEARING-2017 BUDGET

Mayor Seitz opened the public hearing concerning the proposed budget for the year 2017.

A notice was uploaded into the Department of Local Government Finance's website under Gateway, was posted at city hall, and was faxed to the news media.

Council member Nancy Eckerle said she appreciates the fact that two days were used to present and discuss the budget but she would have liked to have had a third meeting to see and discuss the cuts that were made so that she could better understand just what we are passing. She also said we need to discuss if there is a way to improve this process for next year.

Mayor Seitz asked for comments from the public. No public comments were received.

Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member John Bell to close the public hearing. Motion carried 6-0 and the public hearing was closed.

ORDINANCE NO. 2016-18 AN ORDINANCE APPROPRIATING MONEY FOR THE CITY OF JASPER, INDIANA, FOR THE YEAR 2017

This ordinance contains the appropriations for the 2017 budget.

A motion was made by Council member John Bell and seconded by Council member David Hurst to read the ordinance by title only on first reading. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was

made by Council member Kevin Manley and seconded by Council member Gregory Schnarr to approve the ordinance on first reading.

Under discussion, Council member John Bell said he is okay with two days for the budget work sessions as long as they debrief on day two by reviewing the adjustments that were made, that everyone is on the same page, and that all questions were answered.

Mayor Seitz then called for the vote to approve the ordinance on first reading. Motion carried 6-0.

Final readings and adoption of the budget will be held at the October 19, 2016 council meeting.

ORDINANCE NO. 2016-19 AN ORDINANCE LEVYING TAXES AND FIXING THE RATE OF TAXATION FOR THE CITY OF JASPER, INDIANA, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017

This ordinance shows the advertised tax rate of 1.0126 for the 2017 budget. The advertised rate for the 2016 budget was .9844 with the actual rate being .8178.

A motion was made by Council member Gregory Schnarr and seconded by Council member John Bell to read the ordinance by title only on first reading. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member David Hurst and seconded by Council member Dean Vonderheide to approve the ordinance on first reading. Motion carried 6-0.

STENS WITHDRAWS TAX ABATEMENT

John Bauersfeld, General Manager of Stens, said Stens would like to withdraw from the tax abatement program because the Ariens Company, their parent company, is moving the distribution operations located in Jasper back to Wisconsin. The operations were located in the former DIA building and employed approximately twenty people that were included in the employee and salary information on Stens statement of benefits form for tax abatement. Bauersfeld said this move does not affect Stens employees or its business.

When asked by the council members what the procedure is when a business wants to withdraw from the tax abatement program, City Attorney Renee Kabrick said normally a business submits its CF-1 form and the council decides whether or not the business is in compliance but this is a voluntary withdrawal. Kabrick informed Bauersfeld that since Haddad Properties owns the real estate portion of this tax abatement, Haddad will also need to submit in writing its request to withdraw from the program. Kabrick said she will then draft a resolution regarding this matter for the council to consider at its October meeting.

UTILITY SERVICE BOARD REPORT

General Manager of Utilities Gerald 'Bud' Hauerperger gave a report on the regular monthly Utility Service Board meeting held on September 19, 2016.

A copy of the Utility Service Board minutes is supplied to each council member.

ORDINANCE NO. 2016-21 AN ORDINANCE AMENDING ORDINANCE NO. 1997-16 ENTITLED "AN ORDINANCE PROVIDING FOR THE ABATEMENT OF WEEDS AND RANK VEGETATION WHICH CONSTITUTE A NUISANCE IN THE CITY OF JASPER, INDIANA"

This ordinance adds language to the weed abatement ordinance that allows spraying and any other means to abate weeds.

City Attorney Renee Kabrick said the street department has had to abate weeds on several properties that had weeds in riprap and gravel areas. Representatives from the street department inquired whether they are permitted to spray the weeds so that the weeds don't come back, thus avoiding the need for continued abatement by the City.

The language in the ordinance currently says-- ...may cut and remove, or cause to be cut and removed, such weeds and/or rank vegetation.

The proposed amendment says-- ...may take appropriate action that, at their discretion, is necessary including, but not limited to, cutting, mowing, trimming, spraying, and any other means necessary to remove, or cause to be removed, such weeds and/or rank vegetation.

A motion was made by Council member Nancy Eckerle and seconded by Council member David Hurst to consider the ordinance for one reading only. Motion carried 6-0. Thereafter, a motion was made by Council member Gregory Schnarr and seconded by Council member John Bell to read the ordinance by title only. Motion carried 6-0. The city attorney so read the ordinance. Thereafter, a motion was made by Council member Nancy Eckerle and seconded by Council member David Hurst to pass and adopt Ordinance No. 2016-21. Motion carried 6-0.

Adjournment. There being no further business to come before the board, a motion was made by Council member Gregory Schnarr and seconded by Council member Kevin Manley to adjourn the meeting. The motion carried 6-0 and the meeting adjourned at 7:58 p.m.

The minutes were hereby approved _____ with X without corrections or clarification this 19th day of October 2016.

Mayor Terry Seitz
Presiding Officer

Attest: _____
Juanita S. Boehm, Clerk-Treasurer